

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICTOR SALAZAR,

Defendant.

8:16–CR–361

**ORDER GRANTING MOTION TO
WITHDRAW**

On March 21, 2024, Defendant Victor Salazar, filed a Motion requesting appointment of counsel for the purposes of determining whether he was eligible for relief under Amendment 821 to the United States Sentencing Guidelines. [Filing 244](#). The Office of the Federal Public Defender was appointed to represent him pursuant to General Order No. 2023-09. [Filing 245](#). The purpose of this appointment was to determine whether the Defendant qualified “for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of U.S.S.G. § 1B1.13 or U.S.S.G. § 1B1.10 providing for the retroactive application of Amendment 821[.]” [Filing 245 at 1](#). This matter is before the Court on the Motion to Withdraw filed by Federal Public Defender, Mr. David R. Stickman. [Filing 247](#). In his Motion, Mr. Stickman notes that “the Defendant’s offense of conviction involved a firearm and therefore no relief is allowed pursuant to U.S.S.G. § 4C1.1(a)(7).” [Filing 247 at 1](#). The United States Probation Office also submitted a worksheet in this case which states that the Defendant is not eligible for a reduction. [Filing 248](#).

The Court has conducted its own review of the record in Salazar’s case and agrees that Salazar is not eligible for any relief under Amendment 821 for the reasons Mr. Stickman articulates in his Motion to Withdraw. The Court further notes that Salazar’s Motion, [Filing 244](#), did not actually request substantive relief pursuant to Amendment 821; rather, he only requested appointment of counsel for the purposes of pursuing relief pursuant to Amendment 821. *See*

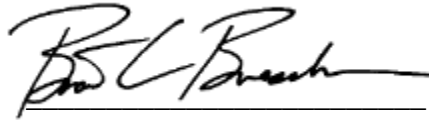
generally [Filing 244](#). There is nothing further for the Court to rule upon with respect to [Filing 244](#) because the only relief Salazar sought in that Motion was granted pursuant to General Order No. 2023-09. Accordingly,

IT IS ORDERED:

1. Federal Public Defender David R. Stickman's Motion to Withdraw, [Filing 247](#) is granted; and
2. Because Salazar's Motion for appointment of counsel was previously granted and there is nothing further for the Court to rule on with respect to this Motion, [Filing 244](#) is terminated.

Dated this 2nd day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge